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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,051	09/24/2003	Scott L. Atherton	FSP0035	6620

29586 7590 08/31/2006

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EXAMINER
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BONCK, RODNEY H

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/671,051	ATHERTON, SCOTT L.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rodney H. Bonck	3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. <u>03152006</u>                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

The following action is in response to the petition decision dated August 14, 2006 and the Request for Continued Examination received February 15, 2006.

### ***Specification***

The disclosure is objected to for the following reasons:

The disclosure employs terminology that is not generally art recognized insofar as this examiner can determine. For example, the term "clutch lockout" would generally mean a structure to hold a clutch out of engagement. This examiner has been unable to find any reference in the art to the term "lockout" used in the manner that applicant has used it. It appears to the examiner that the element referred to as a "lockout" is in fact a clutch cover. Similarly, the term "clutch boss" is not a well-recognized term in this art and appears to the examiner to refer to the flywheel to which a clutch is normally mounted.

Appropriate correction is required, or evidence should be provided to show that these terms are conventional in the art and are known to designate the structure referred to here.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Because of the unconventional terminology used to define the invention, these claims are vague and indefinite and render unclear what structure applicant is attempting to claim.

***Examiner Comment***

In the telephone interview of March 15, 2006, the examiner indicated that several issues under 35 USC 112 should have been raised in the initial Office action. These matters are generally addressed above. In an effort to further prosecution, the examiner proposes the following independent claim, which is based on the examiner's understanding of the invention:

- 7. A clutch cover comprising,**
- a substantially flat plate-like body adapted to be disposed parallel to a clutch flywheel and pressure plate and adapted to rotate about a clutch rotation axis;**
- posts, each extending at a right angle to the plate-like body and parallel to the rotation axis, and each of said posts having an opening to receive a bolt for attaching the plate-like body to the flywheel;**

**retaining screw holes in said plate-like body adjacent said posts, said screw holes adapted to receive screws to retain clutch fingers on said plate-like body; and,**

**at least one indent extending along a length of each of said posts on an exterior surface of each post and positioned to be in alignment with said retaining screw holes to permit the screws to be positioned closely adjacent the posts.**

The examiner proposes the above new claim 7 as a replacement for independent claim 1. Of course, the subject matter in dependent claims 2-6 could be provided in new dependent claims or by amending the existing claims with language changes to be in agreement with claim 7. Also, the specification would need to be amended to use terminology that agrees with the claims. As noted above, the proposed claim is based on the examiner's understanding of the invention. Based on this understanding and on the prior art of record, the examiner believes this proposed claim 7 would be allowable.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Spokas('716), Schiefer et al.('372), Tipton('403), and Tipton('598) show other clutch cover structures.

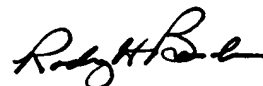
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571)

Art Unit: 3681

272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Rodney H. Bonck  
Primary Examiner  
Art Unit 3681

rhb  
August 30, 2006